

AMENDED IN SENATE APRIL 17, 2007

AMENDED IN SENATE MARCH 27, 2007

**SENATE BILL**

**No. 866**

---

**Introduced by Senator Runner**

February 23, 2007

---

An act relating to sexually violent predators, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 866, as amended, Runner. Mental health: sexually violent predators.

Existing law requires, prior to release from the custody of the Department of Corrections and Rehabilitation of a person who has been convicted of certain crimes of a sexual nature, the director to refer that person to the State Department of Mental Health for evaluation if the director determines that person may be a sexually violent predator.

Under existing law, if the evaluation by the State Department of Mental Health determines that the person is a sexually violent predator, the department is required to forward a request for the filing of a petition to the counsel designated by the county in which the person was convicted. The law authorizes civil commitment of the person to the State Department of Mental Health as a sexually violent predator, for treatment in a secure facility, if the person is adjudicated to be likely to engage in sexually violent criminal behavior if discharged.

Existing law, pursuant to an initiative measure, provides that these provisions may not be amended by the Legislature, except by a  $\frac{2}{3}$  vote bill, or by a majority vote bill to expand the scope of its application or to increase the punishment or penalties.

This bill would appropriate ~~\$13,506,233~~ \$12,532,000 to the State Department of Mental Health for support of this program pursuant to a prescribed schedule, ~~and would approve the department's related information technology project.~~

This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: yes. Fiscal committee: yes.

State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. The Legislature finds and declares that the~~  
2     ~~passage of Proposition 83, also known as Jessica's Law, in~~  
3     ~~November 2006, and the enactment of Senate Bill 1128 (Chapter~~  
4     ~~337, Statutes of 2006), the Sex Offender Punishment, Control, and~~  
5     ~~Containment Act of 2006, require the immediate provision of an~~  
6     ~~appropriation sufficient to meet the new requirements related to~~  
7     ~~the Sexually Violent Predator (SVP) program. These funds are~~  
8     ~~required due to a significant increase in the number of potential~~  
9     ~~SVPs referred to the State Department of Mental Health for~~  
10    ~~screening and evaluation and for other related purposes. Increases~~  
11    ~~in the potential SVP population require corresponding increases~~  
12    ~~in the number and cost of screenings, evaluations, training, court~~  
13    ~~testimony, administration and information technology data~~  
14    ~~collection and tracking systems to support the preservation of the~~  
15    ~~health and safety of the people of California by ensuring that~~  
16    ~~persons determined to be SVPs are committed to state hospitals~~  
17    ~~for necessary treatment.~~

18    ~~SEC. 2. The sum of thirteen million five hundred six thousand~~  
19    ~~two hundred thirty-three dollars (\$13,506,233) is hereby~~

20    ~~SECTION 1. The sum of twelve million five hundred thirty-two~~  
21    ~~thousand dollars (\$12,532,000) is hereby appropriated from the~~  
22    ~~General Fund to the State Department of Mental Health for support~~  
23    ~~of the Sexually Violent Predator program, provided for pursuant~~  
24    ~~to Article 4 (commencing with Section 6600) of Chapter 2 of Part~~  
25    ~~2 of Division 6 of the Welfare and Institution Code, as follows:~~

26    ~~(a) The sum of eleven million nine hundred fifty-seven thousand~~  
27    ~~two hundred thirty-three dollars (\$11,957,233) to fund the~~

28    ~~(a) The sum of twelve million one hundred eighteen thousand~~  
29    ~~dollars (\$12,118,000) to fund the increased number of SVP~~

1 *Sexually violent predator* screenings, initial evaluations, and expert  
2 court testimony.

3 ~~(b) The sum of one million five hundred forty-nine thousand~~  
4 ~~dollars (\$1,549,000) for administrative support and information~~  
5 ~~technology. In providing this funding the Legislature, hereby~~  
6 ~~approves the State Department of Mental Health's sex-offender~~  
7 ~~commitment program support information technology project.~~

8 *(b) The sum of four hundred fourteen thousand dollars*  
9 *(\$414,000) for administrative support, including the provision of*  
10 *hospital police officers to ensure public safety.*

11 ~~SEC. 3.~~

12 *SEC. 2.* This act is an urgency statute necessary for the  
13 immediate preservation of the public peace, health, or safety within  
14 the meaning of Article IV of the Constitution and shall go into  
15 immediate effect. The facts constituting the necessity are:

16 In order to protect the health and safety of the people of  
17 California, it is necessary that this act take effect immediately.